

ORIGINAL

HID EEO 1 (Rev 06/08) Employment Discrimination Complaint

Suzanne E. Schott
NAME
4284 Maka Rd
MAILING ADDRESS
Kalaheo, HI 96741
CITY, STATE, ZIP CODE
(808) 482-0677
TELEPHONE NUMBER
Sueschott@live.com
FACSIMILE AND EMAIL (if applicable)

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

NOV 19 2018

at *2* o'clock and *20* min *P*M
SUE BEITIA, CLERK

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

CV18 00449 LEK KSC

Suzanne E. Schott)

CIVIL NO.

EMPLOYMENT DISCRIMINATION
COMPLAINT

Plaintiff,

Notice of Suit Rights

vs.

Kathryn Matayoshi, State Superintendent, Department of Education, Hawaii
William Arakaki, District Superintendent, Department of Education, Hawaii
Dominic Beralas, Principal, Kekaha Elementary School, Hawaii
Defendant(s),)

1. Plaintiff resides at:

Address:

4284 Maka Rd

City, State & Zip Code

Kalaheo, HI 96741

Phone number:

(808) 482-0677

2. Defendant is located at:

Address:

** see pages 2 and 3*

City, State & Zip Code

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>Suzanne E. Schott</u>
Street Address	<u>4284 Maka Rd</u>
City and County	<u>Kalaheo</u>
State and Zip Code	<u>Hawaii 96741</u>
Telephone Number	<u>(808) 482-0677</u>
E-mail Address	<u>sueschott@live.com</u>

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name	<u>Kathryn Matayoshi</u>
Job or Title (if known)	<u>Former Superintendent Dept. of Education</u>
Street Address	<u>1390 Miller Street</u>
City and County	<u>Honolulu</u>
State and Zip Code	<u>Hawaii 96813</u>
Telephone Number	<u>(808) 586-3230</u>
E-mail Address (if known)	<u></u>

☐ Individual capacity

☒ Official capacity
Defendant No. 2

Name	<u>William Arakaki</u>
Job or Title	<u>Hawaii District Superintendent, Dept. of Education</u>

(if known)

Street Address

3060 Eiwa Street

City and County

Lihue, Kauai

State and Zip Code

Hawaii 96766

Telephone Number

(808) 274-3502

E-mail Address

Bill-Arakaki@hawaiidoe.org

(if known)

☐ Individual capacity

☒ Official capacity

Defendant No. 3

Name

Dominic Beralas

Job or Title

Former Principal Kekaha School

(if known)

Street Address

3060 Eiwa Street

City and County

Lihue, Kauai

State and Zip Code

Hawaii 96766

Telephone Number

(808) 274-3502

E-mail Address

(if known)

☐ Individual capacity

☒ Official capacity

Defendant No. 4

Name

Job or Title

(if known)

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address

(if known)

☐ Individual capacity

☐ Official capacity

3. This action is brought pursuant to Title VII of the Civil Rights Act of 1964 for employment discrimination. Jurisdiction is conferred on this Court by 42 U.S.C. § 2000e-5. Equitable and other relief is sought under 42 U.S.C. § 2000e-5(g).

4. This acts complained of in this suit concern:

- A. ☒ Failure to employ me.
- B. ☐ Termination of my employment
- C. ☐ Failure to promote me.
- D. ☒ Other acts as specified below:

On October 14, 2015 I was verbally assaulted and threatened by an Academic Coach during a staff meeting at Kekaha Elementary School. Present were 2 district resource teachers, the school principal and approximately 25 colleagues. The principal did nothing to stop the assault and, in turn, threatened me.

Incident was reported to police on October 16, 2015 and a formal complaint was filed with District Supt. Arakaki. A grievance was also filed with HSTA union on November 3, 2015 citing Safe Work Place policy. Neither the grievance or the complaints were ever officially addressed. Supt. Arakaki moved principal Beralas to the district office to be in charge of complaints and investigations.

With principal Beralas now in charge of complaints and investigations, it was obviously a conflict of interest for Mr. Beralas to investigate himself. I spent three years emailing William Arakaki, Kathryn Matayoshi, and other DOE and BOE officials. Only once on Jan. 4, 2016 did Mr. Arakaki reply to me that he was investigating the incident. There were no further communications from him regarding the investigation of my complaints or my grievance.

On February 4, 2016 I filed an EEOC Charge #486-2016-00134, citing discrimination (race) and retaliation by processing a complaint made by Principal Beralas with Supt. Arakaki against me and Mr. Arakaki's failure to recognize my complaint.

Because Supt. Arakaki failed to provide me a safe workplace at Kekaha School, I applied for transfer positions at nearby (less than 1 hour drive) elementary schools. In March of 2016 I applied for 5 positions and in April of 2016 I applied for 4 positions. I had great letters of recommendations, a 27 year experience in Kauai Elementary Schools, a Masters degree in curriculum, instruction and administration but even after all of the interviews and my predicament I was denied all positions.

On June 20, 2016 I submitted an amended charge on my initial EEOC charge to include retaliation. I believe I have been discriminated against because of my race and retaliated against for engaging in a protected activity in violation of Title VII of the Civil Rights Act of 1964, as amended.

5. Defendant's conduct is discriminatory with respect to the following:

- A. ☒ My race or color.
B. ☐ My religion.
C. ☐ My sex.
D. ☐ My national origin.
E. ☒ Other acts as specified below:

Retaliation

6. The basic facts surrounding my claim of discrimination are:

- I began working for the Hawaii Dept. of Education on the island of Kauai in January of 1990, where I have resided for 29 years.
- On October 14, 2015 I was assaulted and threatened by an academic coach (also a DOE teacher). State resource teachers, the principal and some 25 colleagues did nothing to stop the assault.
- On October 16, 2015 I filed a police report for harassment and assault against the academic coach, Theresa Waalani.
- On Oct 19, 2015 I submitted 2 formal complaints against the academic coach and Principal Beralas.
- On Oct. 19, 2015 I received a formal complaint against me for speaking "inappropriately"
- On Nov 3, 2015 I filed a grievance against Principal Beralas for failure to provide a safe workplace.

- From November 2, 2015 until present day, November 19, 2018 I have emailed Superintendent William Arakaki monthly to ask the status of my complaints and grievance. His last email reply to me was on January 4, 2016. On January 20, 2016 State Superintendent Kathryn Matayoshi emailed me informing me that both complaints were being investigated.
- On February 4, 2016 I filed an EEOC charge with Honolulu investigator against the Dept. of Education for discrimination + retaliation.
- On February 9, 2016 I received a call from Brian Nelson, EEOC mediator asking me to participate in mediation process. I agreed and sent in the proper forms. The Dept. of Education declined.
- In March 2016 I interviewed for ~~five~~ elementary teaching positions and again in April 2016 I interviewed for four teaching positions.
- I asked for letters from principals stating why I was not chosen. Two responded saying "finding the right fit" and "finding someone who could work well with existing positions."
- I was not hired for any position, despite having a Master's degree, 27 years with the Hawaii DOE and great ratings and reviews.
- On June 20, 2016 I filed an amended EEOC charge citing discrimination based on race and retaliation for engaging in a protected activity. I have been blacklisted.

- Case 1:18-cv-00449-LEK Document 1 Filed 11/19/18 Page 8 of 21 PageID #: 8
- I was informed that principal Dominic Beralas had been moved to the Kauai District Office for the Dept. of Education as the lead and only investigator for complaints, which, in turn, made my complaints a conflict of interest.
 - After several deadline extensions, the Dept. of Education submitted a Position Statement responding to my charges (EEOC) on October 12, 2016.
 - My rebuttal was submitted on Nov. 3, 2016.
 - From Nov 3, 2016 until August 27, 2018 my EEOC case was with the investigator. After several email exchanges informing me that he had yet to investigate, his last email was sent to me on August 27, 2018 at 10:58am. In his email he informed me that he had been directed to close out all cases that were not likely to result in a finding of discrimination and that he would be submitting my case to his director. I received the letter from his director just two days later and dated August 27, 2018 informing me of my right to sue.

7. The alleged discrimination occurred on or about Oct. 14, 2015.
(Date)
9. I filed charges with the Federal Equal Employment Opportunity Commission (or the State of Hawaii Department of Labor and Industrial Relations, Enforcement Division) regarding defendant's alleged discriminatory conduct on or about Feb. 4, 2016.
(Date)
10. WHEREFORE, Plaintiff prays that the Court grant such relief as may be appropriate, including injunctive orders, damages, costs, and attorney fees.

Dated: November 19, 2018
Suzanne E. Schott
Signature of Plaintiff

Suzanne E. Schott
Plaintiff's Name - printed, or typed.
(Notarization is not required)

LEOC Form 161 (11/16)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Suzanne Schott**
4284 Maka Rd
Kalaheo, HI 96741

From: **Honolulu Local Office**
300 Ala Moana Blvd
Room 4-257
Honolulu, HI 96850

☐ On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

486-2016-00134

Rogelio A Colón,
Investigator

(808) 541-3118

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

- ☐ The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
- ☐ Your allegations did not involve a disability as defined by the Americans With Disabilities Act.
- ☐ The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
- ☐ Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge
- ☒ The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
- ☐ The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
- ☐ Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission


Glory Gervacio Saure,
Local Office Director

8/27/18

(Date Mailed)

Enclosures(s)

cc:

Beth Schimmelfennig
Civil Rights Compliance Specialist III
SOH-DEPT OF EDUCATION
Civil Rights Compliance Office
1390 Miller St., Rm 416
Honolulu, HI 96813

Enclosure with EEOC
Form 161 (11/18)

INFORMATION RELATED TO FILING SUIT UNDER THE LAWS ENFORCED BY THE EEOC

*(This information relates to filing suit in Federal or State court under Federal law.
If you also plan to sue claiming violations of State law, please be aware that time limits and other
provisions of State law may be shorter or more limited than those described below.)*

**PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),
the Genetic Information Nondiscrimination Act (GINA), or the Age
Discrimination in Employment Act (ADEA):**

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was mailed to you** (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Courts often require that a copy of your charge must be attached to the complaint you file in court. If so, you should remove your birth date from the charge. Some courts will not accept your complaint where the charge includes a date of birth. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit **before 7/1/10** – not 12/1/10 – in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION <small>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</small>		Charge Presented To: Agency(ies) Charge No(s): <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC 486-2016-00134	
Hawai'i Civil Rights Commission and EEOC <small>State or local Agency, if any</small>			
Name (Indicate Mr., Ms., Mrs.) Ms. Suzanne Schott		Home Phone (Incl. Area Code) [REDACTED]	
Date of Birth [REDACTED]			
Street Address 4284 Maka Rd, Kalaheo, HI 96741		City, State and ZIP Code	
Named Is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name SOH-DEPARTMENT OF EDUCATION		No. Employees, Members 500 or More	
Phone No. (Include Area Code) (808) 337-7655			
Street Address Kekaha Elementary School, 8140 Kekaha Rd., Kekaha, HI 96752		City, State and ZIP Code	
Name [REDACTED]		No. Employees, Members [REDACTED]	
Phone No. (Include Area Code) [REDACTED]			
Street Address [REDACTED]		City, State and ZIP Code	
DISCRIMINATION BASED ON (Check appropriate box(es).) <input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify)		DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest 10-14-2015 01-19-2016 <input checked="" type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)). I was hired in January 1990. I am currently a Grade 4 Teacher at Kekaha Elementary School. On October 14, 2015, I was in a faculty meeting where we were being presented information and discussing metacognitive markers. When I asked where this data came from, I was not getting any clear answers from Principal Dominic Beralas (Filipino) after multiple inquiries. As I continued to inquire about this matter, Mr. Beralas did not answer and told me that the Catapult Team and Academic Coaches were responsible. I then asked the coaches the same question. Academic Coach Teresa Waalani (Portuguese/Filipino) then slammed her hands on the table and verbally assaulted me in front of the entire staff and repeatedly used the f-word towards me. Mr. Beralas did nothing to correct her or address this conduct.			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures. I declare under penalty of perjury that the above is true and correct.		NOTARY - When necessary for State and Local Agency Requirements I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)	
x <u>02/04/2016</u> x <u>Suzanne S Schott</u> Date Charging Party Signature		<div style="border: 2px solid black; padding: 5px; display: inline-block;"> RECEIVED FEB 04 2016 EEOC HLO </div>	

EEOC Form 5 (11/09)

<p style="text-align: center;">CHARGE OF DISCRIMINATION</p> <p style="font-size: small;">This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</p>	<p>Charge Presented To: _____ Agency(ies) Charge No(s): _____</p> <p> <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC </p> <p style="text-align: right;">486-2016-00134</p>
<p>Hawai'i Civil Rights Commission and EEOC</p> <p style="font-size: x-small;">State or local Agency, if any</p>	
<p>I went to the office to speak to Mr. Beralas, who motioned me to come over to his office. I refused and informed him that I wanted to stay in the main office where it was safe. I then informed him that what had transpired was unacceptable and that I would be filing a grievance. He indicated that a grievance should be filed against me for my inappropriate behavior. I informed him that I had not acted inappropriately or unprofessionally and that all I did was to ask a question about where the data came from.</p> <p>He proceeded to yell at me, berate me, and threaten in the front office in front of three other staff members.</p> <p>On this same date, I e-mailed my Union Representative and went home.</p> <p>On October 16, 2015, I filed a police report with the Kauai Police Department for harassment against Ms. Waalani.</p> <p>On October 19, 2015, I submitted a complaint to Complex Superintendent William Arakaki (Japanese/Portuguese) regarding Mr. Beralas and Ms. Waalani. On this same date, I received a certified letter from Mr. Beralas indicating that I had a formal complaint against me and was being placed under investigation for speaking "inappropriately".</p> <p>On October 30, 2015, we had an informal meeting with Mr. Beralas regarding my grievance. In the meeting, Mr. Beralas admitted that he neither said or did anything to stop the assault and indicated that Ms. Waalani was speaking for the entire staff. He also admitted that she used inappropriate language.</p> <p>I e-mailed Mr. Arakaki on November 2, 12, and 20, 2015 requesting the status of my complaints and asked when the certified letters had been sent out to Mr. Beralas and Ms. Waalani and who the assigned investigator was. Not one of the parties responded to my inquiry.</p> <p>On November 24, 2015, I received a response from Mr. Arakaki thanking me for my patience whereby he told me that he would address my complaints at the time of the grievance meeting the next day.</p> <p>On November 25, 2015, we had a Step 1 grievance meeting with Mr. Arakaki. Prior to the meeting, he asked us to come inside to discuss the complaints. Mr. Arakaki indicated that Ms. Waalani was sorry and that there was no "sense" in filing a complaint against her. He also added that because I filed a grievance against Mr. Beralas that it was kind of the "same thing". I told Mr. Arakaki that it was the same thing and that he did not hesitate to file a complaint charge against me by Mr. Beralas</p>	
<p style="font-size: x-small;">I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.</p> <p style="font-size: x-small;">I declare under penalty of perjury that the above is true and correct.</p>	<p style="font-size: x-small;">NOTARY -- When necessary for State and Local Agency Requirements</p> <p style="font-size: x-small;">I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.</p> <p style="font-size: x-small;">SIGNATURE OF COMPLAINANT</p>
<p style="font-size: x-small;">Date</p> <p style="font-size: x-small;">Charging Party Signature</p>	<p style="font-size: x-small;">SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)</p>

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

☐ FEPA☒ EEOC

486-2016-00134

Hawaii Civil Rights Commission

and EEOC

State or local Agency, if any

In 2 days without any investigation and that my complaints had been ignored. I informed him there was bias in his handling and he said he would go through with the complaints. Mr. Arakaki said the State does not have anyone to do the investigation. Mr. Arakaki was informed that it was not safe for me to return to work, and he was provided with safeguard proposals so that I could return to work. My HSTA Representative and I expressed our concerns about Mr. Beralas' complaints being retaliatory. We also shared that my physician and my HSTA Union Representative deemed my workplace unsafe and a hostile working environment. Mr. Arakaki agreed to draft safeguards and respond to me after the Thanksgiving break.

On December 1, 2015, I e-mailed Mr. Arakaki a summary of the November 25, 2015 meeting and asked that my complaints be processed and submitted my original October 19, 2015, complaint. Superintendent Kathryn Matayoshi and Deputy Superintendent Stephen Schatz were also cc'd regarding what had taken place at the meeting and provided with the same information.

On December 7, 2015, I requested a status on my complaint from Mr. Arakaki and received no response. I also requested him for a status on my Step 1 grievance. In this, I told him that I was forced to use my sick leave while I was out, and that based on his extensions, I should be placed on administrative leave with pay. I did not receive a response.

On December 28 and December 30, 2015 or so, I asked Mr. Arakaki for another update. I did get one response from him saying that he was interviewing witnesses on January 5, 2016. He proposed some safeguards that came through my Union Representative. He did not address my complaints, and he also did not process everything by the January 5, 2016 deadline.

On January 11, 2016, I filed a formal complaint against Mr. Arakaki with Ms. Matayoshi and Mr. Schatz complaining of his bias and unfair treatment towards me. I wrote that he had treated my complaints with bias and that differential treatment he had given to Mr. Beralas' complaint over mine was with prejudice.

On January 14, 2016, I requested that Ms. Matayoshi provide me with a status on my complaint and asked that she respond by January 15, 2016. No response was sent.

On January 19, 2016, I requested another update from Mr. Arakaki on the status of the complaint and included Department practices on internal investigations. On this same day, I also e-mailed Ms. Matayoshi (cc'd Mr. Schatz) and asked for a status of my complaint against Mr. Arakaki. I also indicated that his non-delay was discriminatory; no response was received. I also included the Department practices in internal investigations.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

x 02/04/2016 x Suzanne E. Schatz
Date Charging Party Signature

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.
SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

EEOC Form 6 (11/05)

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.	Charge Presented To: _____ Agency(ies) Charge No(s): _____ <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC 486-2016-00134
Hawai'i Civil Rights Commission _____ and EEOC <i>State or local Agency, if any</i>	
<p>On January 20, 2016, I received an e-mail from Ms. Matayoshi informing me that she had received my formal complaint, and that in regard to the status of my complaints against Mr. Beralas and Ms. Waalani there was an investigation in process. Once it was completed, Mr. Arakaki would respond to me.</p> <p>On January 26, 29, and February 4, 2016, I e-mailed Mr. Arakaki asking for the status of my complaints and my Step 1 Grievance decision. I received no response.</p> <p>I also e-mailed Ms. Matayoshi and Mr. Schatz to ask them both what actions have been taken to move my complaint forward and asking for a present status. I received no reply.</p> <p>To my knowledge, neither Mr. Beralas nor Ms. Waalani were in receipt of my complaints and have been investigated. I am being investigated despite the fact that I did not participate in inappropriate conduct.</p> <p>I believe that I have been discriminated against because of my race (White) and in retaliation for engaging in a protected activity, in violation of Title VII of the Civil Rights Act of 1964, as amended.</p>	

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.	NOTARY – When necessary for State and Local Agency Requirements
I declare under penalty of perjury that the above is true and correct.	I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT
x02/04/2016 x <u>Suzanne S. Schatz</u> Date Charging Party Signature	SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION <small>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</small>		Charge Presented To: Agency(ies) Charge No(s): <input checked="" type="checkbox"/> FEPA K-19068 AMENDED <input checked="" type="checkbox"/> EEOC 486-2016-00134	
Hawai'i Civil Rights Commission and EEOC <small>State or local Agency, if any</small>			
Name (indicate Mr., Ms., Mrs.) Ms. Suzanne Schott		Home Phone (incl. Area Code) Date of Birth <div style="background-color: black; color: black;">[REDACTED]</div> <div style="background-color: black; color: black;">[REDACTED]</div>	
Street Address City, State and ZIP Code 4284 Maka Rd, Kalaheo, HI 96741			
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name SOH-DEPARTMENT OF EDUCATION		No. Employees, Members Phone No. (Include Area Code) 500 or More (808) 337-7655	
Street Address City, State and ZIP Code Kekaha Elementary School, 8140 Kekaha Rd., Kekaha, HI 96752			
Name		No. Employees, Members Phone No. (Include Area Code)	
Street Address City, State and ZIP Code			
DISCRIMINATION BASED ON (Check appropriate box(es).) <input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify)		DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest 10-14-2015 01-19-2016 <input checked="" type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): <div style="text-align: center; padding: 10px;"> AMENDED <p>I was hired in January 1990. I am currently a Grade 4 Teacher at Kekaha Elementary School.</p> <p>On October 14, 2015, I was in a faculty meeting where we were being presented information and discussing metacognitive markers. When I asked where this data came from, I was not getting any clear answers from Principal Dominic Beralas (Filipino) after multiple inquiries. As I continued to inquire about this matter, Mr. Beralas did not answer and told me that the Catapult Team and Academic Coaches were responsible. I then asked the coaches the same question. Academic Coach Teresa Waalani (Portuguese/Filipino) then slammed her hands on the table and verbally assaulted me in front of the entire staff and repeatedly used the f-word towards me. Mr. Beralas did nothing to correct her or address this conduct.</p> </div>			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures. I declare under penalty of perjury that the above is true and correct.		NOTARY – When necessary for State and Local Agency Requirements I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT <div style="border: 1px solid black; padding: 5px; text-align: center;"> RECEIVED JUN 20 2016 EEOC HLO </div>	
<div style="display: flex; justify-content: space-between;"> <div style="text-align: center;"> <u>x 06/20/2016</u> <small>Date</small> </div> <div style="text-align: center;"> <u>x Suzanne E. Schott</u> <small>Charging Party Signature</small> </div> </div>		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE <small>(month, day, year)</small>	

EEOC Form 5 (11/09)

<p style="text-align: center;">CHARGE OF DISCRIMINATION</p> <p style="font-size: small;">This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</p>	<p>Charge Presented To: Agency(ies) Charge No(s):</p> <p><input checked="" type="checkbox"/> FEPA K-19068 AMENDED</p> <p><input checked="" type="checkbox"/> EEOC 486-2016-00134</p>
<p>Hawai'i Civil Rights Commission and EEOC</p> <p style="font-size: x-small;">State or local Agency, if any</p>	
<p>I went to the office to speak to Mr. Beralas, who motioned me to come over to his office. I refused and informed him that I wanted to stay in the main office where it was safe. I then informed him that what had transpired was unacceptable and that I would be filing a grievance. He indicated that a grievance should be filed against me for my inappropriate behavior. I informed him that I had not acted inappropriately or unprofessionally and that all I did was to ask a question about where the data came from.</p> <p>He proceeded to yell at me, berate me, and threaten in the front office in front of three other staff members.</p> <p>On this same date, I e-mailed my Union Representative and went home.</p> <p>On October 16, 2015, I filed a police report with the Kauai Police Department for harassment against Ms. Waalani.</p> <p>On October 19, 2015, I submitted a complaint to Complex Superintendent William Arakaki (Japanese/Portuguese) regarding Mr. Beralas and Ms. Waalani. On this same date, I received a certified letter from Mr. Beralas indicating that I had a formal complaint against me and was being placed under investigation for speaking "inappropriately".</p> <p>On October 30, 2015, we had an informal meeting with Mr. Beralas regarding my grievance. In the meeting, Mr. Beralas admitted that he neither said or did anything to stop the assault and indicated that Ms. Waalani was speaking for the entire staff. He also admitted that she used inappropriate language.</p> <p>I e-mailed Mr. Arakaki on November 2, 12, and 20, 2015 requesting the status of my complaints and asked when the certified letters had been sent out to Mr. Beralas and Ms. Waalani and who the assigned investigator was. Not one of the parties responded to my inquiry.</p> <p>On November 24, 2015, I received a response from Mr. Arakaki thanking me for my patience whereby he told me that he would address my complaints at the time of the grievance meeting the next day.</p> <p>On November 25, 2015, we had a Step 1 grievance meeting with Mr. Arakaki. Prior to the meeting, he asked us to come inside to discuss the complaints. Mr. Arakaki indicated that Ms. Waalani was sorry and that there was no "sense" in filing a complaint against her. He also added that because I</p>	
<p style="font-size: x-small;">I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.</p> <p style="font-size: x-small;">I declare under penalty of perjury that the above is true and correct.</p>	<p style="font-size: x-small;">NOTARY -- When necessary for State and Local Agency Requirements</p> <p style="font-size: x-small;">I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.</p> <p style="font-size: x-small;">SIGNATURE OF COMPLAINANT</p>
<p style="font-size: x-small;">Date</p> <p style="font-size: x-small;">Charging Party Signature</p>	<p style="font-size: x-small;">SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)</p>

x 06/20/2016

x Suzanne E. Scott

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION

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Charge Presented To: Agency(ies) Charge No(s):



FEPA

K-19068

AMENDED



EEOC

486-2016-00134

Hawai'i Civil Rights Commission

and EEOC

State or local Agency, if any

~~filed a grievance against Mr. Beralas that it was kind of the "same thing". I told Mr. Arakaki that it was the same thing and that he did not hesitate to file a complaint charge against me by Mr. Beralas~~

in 2 days without any investigation and that my complaints had been ignored. I informed him there was bias in his handling and he said he would go through with the complaints. Mr. Arakaki said the State does not have anyone to do the investigation. Mr. Arakaki was informed that it was not safe for me to return to work, and he was provided with safeguard proposals so that I could return to work. My HSTA Representative and I expressed our concerns about Mr. Beralas' complaints being retaliatory. We also shared that my physician and my HSTA Union Representative deemed my workplace unsafe and a hostile working environment. Mr. Arakaki agreed to draft safeguards and respond to me after the Thanksgiving break.

On December 1, 2015, I e-mailed Mr. Arakaki a summary of the November 25, 2015 meeting and asked that my complaints be processed and submitted my original October 19, 2015, complaint. Superintendent Kathryn Matayoshi and Deputy Superintendent Stephen Schatz were also cc'd regarding what had taken place at the meeting and provided with the same information.

On December 7, 2015, I requested a status on my complaint from Mr. Arakaki and received no response. I also requested him for a status on my Step 1 grievance. In this, I told him that I was forced to use my sick leave while I was out, and that based on his extensions, I should be placed on administrative leave with pay. I did not receive a response.

On December 28 and December 30, 2015 or so, I asked Mr. Arakaki for another update. I did get one response from him saying that he was interviewing witnesses on January 5, 2016. He proposed some safeguards that came through my Union Representative. He did not address my complaints, and he also did not process everything by the January 5, 2016 deadline.

On January 11, 2016, I filed a formal complaint against Mr. Arakaki with Ms. Matayoshi and Mr. Schatz complaining of his bias and unfair treatment towards me. I wrote that he had treated my complaints with bias and that differential treatment he had given to Mr. Beralas' complaint over mine was with prejudice.

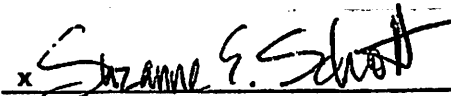
On January 14, 2016, I requested that Ms. Matayoshi provide me with a status on my complaint and asked that she respond by January 15, 2016. No response was sent.

On January 19, 2016, I requested another update from Mr. Arakaki on the status of the complaint and included Department practices on internal investigations. On this same day, I also e-mailed Ms. Matayoshi (cc'd Mr. Schatz) and asked for a status of my complaint against Mr. Arakaki. I also

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

x 06/20/2016
Date

x 
Charging Party Signature

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

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<p>indicated that his non-delay was discriminatory; no response was received. I also included the Department practices in internal investigations.</p> <p>On January 20, 2016, I received an e-mail from Ms. Matayoshi informing me that she had received my formal complaint, and that in regard to the status of my complaints against Mr. Beralas and Ms. Waalani there was an investigation in process. Once it was completed, Mr. Arakaki would respond to me.</p> <p>On January 26, 29, and February 4, 2016, I e-mailed Mr. Arakaki asking for the status of my complaints and my Step 1 Grievance decision. I received no response.</p> <p>I also e-mailed Ms. Matayoshi and Mr. Schatz to ask them both what actions have been taken to move my complaint forward and asking for a present status. I received no reply.</p> <p>To my knowledge, neither Mr. Beralas nor Ms. Waalani were in receipt of my complaints and have been investigated. I am being investigated despite the fact that I did not participate in inappropriate conduct.</p> <p>On February 24, 2016, I submitted an application for transfer. On February 26, 2016, I received a call informing me that I had submitted an external application by mistake, and that I needed to fill out an internal application for each of the positions.</p> <p>On February 29, 2016, I submitted applications for 5 postings (3 at Koloa Elementary, 1 at Wilcox Elementary, and 1 at Eleele Elementary). I was contacted by phone by the Principals at Koloa and Wilcox to set up interviews. However, the Eleele Principal contacted me at my secondary e-mail, and as I did not respond right away he assumed I was not interested.</p> <p>In mid-March 2016 I interviewed for the 4 positions at Wilcox and Koloa; I was not selected for the position(s).</p> <p>In a letter dated March 18, 2016, Ms. Matayoshi concluded that an investigation into Mr. Arakaki's actions regarding my complaints against Mr. Berales and Ms. Waalani were not warranted, and that he handled the matter in the normal course without any "bias" towards me. The letter further stated that my complaints against Mr. Berales and Ms. Waalani were being investigated by Mr. Arakaki, and that he would contact me at the appropriate time.</p>	
<p><small>I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.</small></p> <p><small>I declare under penalty of perjury that the above is true and correct.</small></p> <p style="text-align: center;"> <u>x 06/20/2016</u> Date <u>x Suzanne Z. Smith</u> Charging Party Signature </p>	<p>NOTARY – When necessary for State and Local Agency Requirements</p> <p><small>I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.</small></p> <p><small>SIGNATURE OF COMPLAINANT</small></p> <p><small>SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)</small></p>

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FEPA K-19068

AMENDED

EEOC

486-2016-00134**Hawai'i Civil Rights Commission**

and EEOC

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In April 2016, I applied to the second of two transfer postings. I applied for 4 positions (2 at Eleele, 1 at Wilcox, and 1 at Koloa). I was interviewed for the Wilcox and Koloa positions in late April 2016. On April 30, 2016, I interviewed for the Eleele position. Eleele Principal Zina prefaced the interview by indicating that I had applied for 2 different 5th grade positions, and that while the questions and responses I would be providing would be taken into consideration, his primary basis on choosing a candidate would be "finding the right fit with personalities as he needed to make sure the existing 5th grade teacher would work with the two open positions."

In early May 2016, I received notification that I had not been selected for the Wilcox and Koloa positions. On May 9, 2016, Principal Zina informed me that I was not selected for the Eleele positions.

I am more than qualified for these positions and I believe that Respondent has engaged in further retaliation by not hiring me for these positions.

I believe that I have been discriminated against because of my race (White) and in retaliation for engaging in a protected activity, in violation of Title VII of the Civil Rights Act of 1964, as amended.

16 AUG -3 4:19:30

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

x 06/20/2016
Date

x Suzanne E. Schott
Charging Party Signature

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

16 AUG -3 410 30

I have read this document and find it to be true and correct.